

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

ARBITRATION - SUITS - Final settlement of Arbitration award in respect of the "Earthwork Excavation & Forming Embankment from Km.144.000 to Km.145.650 of Kakatiya Canal Sriramsagar Project" awarded to Sri K.Rajaiah, under Agreement No.17/GVC-IV/1981-82, dated .28-8-1981 - Sanction of an amount of Rs.1,72,217 / - - Orders - Issued.

IRRIGATION AND COMMAND AREA DEVELOPMENT (ARB) DEPARTMENT.

G.O.MS.NO. 51

Date:26-03- 2009.

Read the following:-

1. From Sri K.Rajaiah, S/o.Lingaiah, Karimnagar, representation dated 03-01-2008.
2. G.O.Rt.No.103, I & CAD (ARB) Dept., dated 24-01-2008.
3. Govt.Memo.No.2659/ARB/08, dated 05-04-2008.
4. From the ENC (A.W/I.W), Hyderabad, Lr.No.ENC/IW/P&M/EE.1/DEE.8/ 300108/08-3, dated 04-06-2008.
5. From the Administrator-cum-Chief Engineer, S.R.S.P., Hyderabad, Lr.No.ACE/SRSP/DEE-2/AE-3/7251/86/III/2008, dated 23-06-2008.

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O R D E R:

Sri K. Rajaiah, S/o. Lingaiah, in the representation first read above, has stated that the Earth Work excavation and forming embankment from Km.144.00 to 145.650 of Kakatiya Canal, Sriramsagar Project was awarded to him vide Agt.No.17/GVC.IV/81-82 DT.28.8.1981. At the time of execution of the work certain disputes has been arisen and were referred to Sole Arbitrator. The sole arbitrator passed award allowing the claims for an extent of Rs.7,01,000/- and also granted interest @ 18% p.a. He has also stated that he had filed petition vide OP.No.77/90 in the court of the Vth Addl. Judge, City Civil Court, Hyderabad to make the said award as rule of court. The Govt. has also filed OP.No.83/90 to make award as rule of court, as far as claim No.1 is concerned and OP.No.54 of 1990 to set aside the award in respect of the Claim Nos.2 to 4. By a common judgment, the V Addl. Judge, City Civil Court, Hyderabad, Dt. 30.4.91 allowed the O.P. No.77 of 1990 by making the award as rule of court. Similarly OP.No.83 of 90 filed by the department has allowed and OP.No.54 of 90 was dismissed. Aggrieved by this, the Govt. have filed CMA.No.1710 of 1991 before the Hon'ble High Court. At the time of admission, the Hon'ble High Court granted stay on the condition that the Govt. of A.P. has to pay 50% of the decretal amount together with interest. The Govt. has deposited the said amount.

2. Sri K. Rajaiah has further stated that the Hon'ble High Court in its order in CMA.No.1710/91, dated 18.6.07 (Divisional Bench) directed to approach to the concerned authority by making a comprehensive representation, on filing of which, the said authority shall hear both the sides after giving notice and opportunity and make an effort to conciliate and settle the claims. The respondents-claimants shall file the said representation within a period of three weeks from the date of issuing the orders. The Prl. Secretary of the said authority shall conciliate the meetings and try to settle the matter within a period of three months. He therefore requested the Government to settle his matter by way of conciliation.

3. In the G.O. second read above, based on the directions of the Hon'ble High Court and as per the suggestion of the Learned Advocate General, High Court of Andhra Pradesh, Hyderabad, orders have been issued constituting three Regional Committees in the State for conducting conciliation with the Contractors. Accordingly, in the Govt. Memo third read above, the case has been referred to the Committee for Telangana Region for conducting negotiations with the contractor for an amicable settlement

P.T.O.

4. The Engineer-in-Chief, (Admn.Wing), I & C.A.D. Department and Chairman / Convener for Telangana Region Committee and the Administrator-cum-Chief Engineer, S.R.S.P., in the letters fourth and fifth read above, has submitted the report of the Committee and also stated that after negotiations with the Contractor, the Committee in its report has finally stated that after deducting the amount already paid, the balance amount of Rs.1,72,217 (i.e., Rs.67,668/- Principal + Rs.1,04,549/- as interest) is due to the Contractor the same may be sanctioned for payment to Sri K.Rajaiah, Contractor towards complete and final settlement of Arbitration award.

5. The Principal Secretary to Govt., I & CAD Department has conducted final conciliation on 17-09-2008 with the contractor and the contractor has agreed for a sum of Rs.1,72,217/- as full and final settlement towards the above works. The Contractor has furnished an affidavit in this regard declaring his willingness to withdraw all legal proceedings in High Court of Andhra Pradesh or in any other Courts in respect of the above works.

6. After careful examination of the matter, Government hereby sanction the balance amount of Rs.1,72,217/- (Rupees one lakh seventy two thousand two hundred and seventeen only) towards full and final settlement payable to the contractor in respect of the work "Earthwork Excavation & Forming Embankment from Km.144.000 to Km.145.650 of Kakatiya Canal Sriramsagar Project"under Agreement No.17/GVC-IV/1981-82,dt.28-8-1981.

7. The above sanctioned amount shall be debited to the following Head of Account:

"MH 2701 – Major and Medium Irrigation – 01 Major Irrigation – 116 Sriramasagar Project – 11 Normal State Plan – 27 Canals & Distribution – 530 Major works - 531 Other expenditure".

8. The Administrator-cum-Chief Engineer, Sriramsagar Project, Hyderabad, is directed to arrange to pay the amount sanctioned at para(6) above, to Sri K.Rajaiah, S/o.Lingaiah, R/o.H.No.4-5-203, Anandnagar, Karimnagar, duly deducting the amounts that are recoverable on whatsoever account.

9. This order issues with the concurrence of Finance (W&P) Department vide their U.O.No.5085/F4(2)/08-1, dated 23-12-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P. TUCKER,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Administrator-cum-Chief Engineer, Sriramasagar Project, Camp Office Mukaramjahi Road, Hyderabad.

The Pay & Accounts Officer, Hyderabad.

The Dy.Pay & Accounts Officer, Secretariat Buildings, Hyderabad.

Sri K.Rajaiah, S/o.Lingaiah, R/o.H.No.4-5-203, Anandnagar, Karimnagar.

Copy to:

The Engineer-in-Chief, (AW/I.W.), I&CAD, Hyderabad

The I&CAD (P&B) Deptt.,

The Accountant General, Andhra Pradesh, Hyderabad.

The Finance(W&P) Department. (with a request to release LOC for the sanctioned amount).

The Advocate-General, High Court of Andhra Pradesh, Hyderabad.

The Govt.Pleader for Arbitration, High Court of A.P., Hyderabad.

SF/SC.

//FORWARDED :: BY ORDER //

SECTION OFFICER.